

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Mar 18, 2019

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

JADE WILCOX, on behalf of herself and
all others similarly situated,

Plaintiffs,

v.

JAMES CRAIG SWAPP, individually;
and SWAPP LAW, PLLC, doing business
as Craig Swapp and Associates,

Defendants.

No. 2:17-CV-00275-RMP

**ORDER SETTING
SETTLEMENT CONFERENCE**

By referral from the Honorable Rosanna Malouf Peterson, a settlement conference shall be held on **Thursday, May 23, 2019** at **8:30 a.m.** before the undersigned, at the United States Courthouse in **Yakima**, Washington.

1. No later than **April 8, 2019**, Defendants shall disclose to counsel for Plaintiffs a summary of Defendants' financial information; additional data supporting that information shall be disclosed no later than **May 1, 2019**.

2. In preparation for the settlement conference, each party shall fax or mail an *in camera* confidential letter, and any attachments, to the undersigned so that it is received no later than **May 7, 2019**. The letters shall be not be filed with the Court

ORDER - 1

1 Clerk. The letters shall be faxed to Hon. Lonny R. Suko at (509) 573-6651, or mailed
2 to Hon. Lonny R. Suko at P.O. Box 2706, Yakima, WA, 98907, and set forth the
3 following:

- 4
- 5 a. A brief analysis of the key issues involved in the litigation;
- 6 b. A description of the strongest and weakest points in your case, both legal
7 and factual;
- 8 c. A description of the strongest and weakest points in your *opponent's* case,
9 both legal and factual;
- 10 d. The status of any settlement negotiations, including the last settlement
11 proposal made by you and to you;
- 12 e. The settlement proposal that you believe would be fair; and
- 13 f. Based on current information, a settlement proposal that you would be
14 willing to make in order to conclude the matter and stop the expense of
15 litigation.
- 16
- 17
- 18

19 Failure to timely submit an in camera letter may result in the imposition of sanctions.

20 **If the court requests that any additional information be sent to it by e-mail, that**
21 **information shall be sent to SukoOrders@waed.uscourts.gov.**

22

23 3. Local Rule 16.2(d) requires counsel to personally attend the settlement
24 conference and come prepared to discuss the following matters in detail and in good
25 faith:
26

1 (1) All liability issues;

2 (2) All damages issues; and

3 (3) The position of his/her client relative to settlement.
4

5 In addition, Local Rule 16.2(e) mandates attendance at the settlement
6 conference by each party and its representative with full settlement authority. Failure
7 to comply with the rules for attendance may result in the imposition of sanctions.
8

9 4. Counsel of record will be responsible for timely advising any involved non-
10 party insurance company of the requirements of this order. This judge may, in his
11 discretion, converse with the lawyers, the parties, the insurance representatives, or any
12 one of them, outside of the hearing of the other.
13

14 5. Prior to the settlement conference, the attorneys are directed to discuss
15 settlement with their respective clients and any insurance representative(s), and
16 opposing parties are directed to discuss settlement so the parameters of settlement
17 have been explored in advance of the settlement conference.
18

19 6. The purpose of the settlement conference is to permit an informal discussion
20 between the attorneys, parties, non-party indemnitors or insurer, if any, and this judge
21 of every aspect of the lawsuit bearing on its settlement value, thus permitting this
22 judge to privately express his views concerning the settlement value of the parties'
23 claims.
24

25 7. All communications made in connection with the settlement conference are
26
27

1 confidential and will not be disclosed to anyone. Any documents requested and
2 submitted for the settlement conference will be maintained in chambers and will be
3 destroyed after the conference. Neither the settlement conference statements nor
4 communications of any kind occurring during the settlement conference can be used
5 by any party with regard to any aspect of the litigation or trial of this case.
6

7 **IT IS SO ORDERED.** The District Executive shall forward copies of this
8 order to counsel of record and to Hon. Rosanna Malouf Peterson.
9

10 DATED this 18th day of March, 2019.

11 *s/Lonny R. Suko*

12
13 _____
14 LONNY R. SUKO
15 SENIOR UNITED STATES DISTRICT JUDGE
16
17
18
19
20
21
22
23
24
25
26
27